

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
12/2/2021
JULIA C. DUDLEY, CLERK
BY: s/ A. Little
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IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

RUTH ANN WARNER, as Guardian of)	
JONATHAN JAMES BREWSTER WARNER)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 6:19-cv-55
)	
CENTRA HEALTH, INC., et al.,)	
)	
Defendants.)	

ORDER

THIS MATTER is before the Court on Plaintiff's Petition for Partial Disbursal of Settlement Proceeds and to Reduce Commonwealth's Liens Pursuant to Va. Code s 8.01-66.9 (Docket No. 141). The Court had previously approved a partial settlement in the amount of \$150,000.00, and those funds are presently held in trust by Plaintiff's counsel. Plaintiff still has claims pending against the remaining Defendants. Plaintiff seeks permission to distribute a portion of the settlement funds and to reduce the liens against the settlement proceeds that may exist in favor of Commonwealth of Virginia entities. Plaintiff represents that he has been in contact with known potential lien-holders for charges related to injuries that Jonathan Warner received as a result of the shooting in the instant case. After speaking with representatives of those potential lienholders, Plaintiff has determined that the following still have claimed liens for charges related to injuries that Jonathan Warner received as a result of the shooting in the instant case: (1) Department of Medical Assistance Services and (2) the Commonwealth of Virginia. These entities are represented by the Attorney General of the Commonwealth of Virginia.

Appearing on behalf of the Attorney General in this matter is Assistant Attorney General John A. Myers, Jr., Esq.

Upon the agreement of counsel for the Plaintiff and counsel for the Attorney General to a partial distribution of the settlement proceeds while retaining all rights and arguments regarding the existence and amounts of liens pending final resolution of Plaintiff's claims against the remaining Defendants, it is hereby ORDERED that Plaintiff's counsel is authorized to distribute Forty Four Thousand Nine Hundred Twelve Dollars (\$44,912.00) to the Jonathan Warner SNT Subtrust, u/a dated December 2, 2021 and Forty Four Thousand Nine Hundred Twelve Dollars (\$44,912.00) to MichieHamlett PLLC for payment of fees and costs. Plaintiff's counsel shall retain the remaining Sixty Thousand One Hundred Seventy Six Dollars (\$60,176.00) in trust pending future resolution of the lien claims.

The Motion for Partial Disbursal, Dkt. 141, is TERMINATED as moot.

It is so ORDERED.

Dated: Dec. 2, 2021.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE